IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

Bail Appl..No. 6433 of 2007()

[CRIME NO.296/2007 OF KANJIRAPPALLY POLICE STATION]

PETITIONER/ACCUSED

RAJAPPAN, FROM PUTHUVAL HOUSE,
NARAKAMKAVALA BHAGOM, KOOVAPPALLY KARA
AND VILLAGE, NOW RESIDING AT NADUPARAMBIL HOUSE,
CHENNADU KARA, POONJAR THEKKEKARA VILLAGE.

BY ADV. SRI.P.C.HARIDAS

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE S.I. OF POLICE, KANJIRAPPALLY.

2. PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6433 of 2007

Dated this the 23rd day of October, 2007

ORDER

Application for anticipatory bail. The petitioner is the sole accused in a crime registered under Section 420 I.P.C. The crux of the allegation is that the petitioner induced subscribers to part with weekly deposits for a long period of time. But when time came for payment of the money, he did not pay the amount. Thereby he is alleged to have practised deception. It is the case of the prosecution that the petitioner had no intention at all to pay amounts even when he accepted the amounts. Crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that anticipatory bail may be granted to the petitioner. I find absolutely no justification in the prayer for anticipatory bail. There are no features in this case which can justify or warrant the invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. It is for the petitioner to appear before the learned Magistrate and seek regular bail in the ordinary course.

3. This application is, in these circumstances, dismissed, but I may hasten to observe that if the petitioner surrenders before the

learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

(R.BASANT, JUDGE)

rtr/-